

## PATENT COOPERATION TREATY

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PCT

17 OCT. 2005

## NOTE ON INFORMAL COMMUNICATION WITH THE APPLICANT

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(PCT Rule 66.6)

International application No. <b>PCT/CA2004/001509</b>	Applicant's or agent's file reference <b>09969-006 ✓</b>	Date of informal communication (day/month/year) <b>27 September 2005 (27-09-2005)</b>
Applicant <b>UNIVERSITE DE LAVAL ET AL</b>		
<u>Communication</u>	<u>Participants</u>	<input type="checkbox"/> identity checked <input type="checkbox"/> authorization checked <input type="checkbox"/> personally known
<input checked="" type="checkbox"/> by telephone	<input type="checkbox"/> Applicant:	
<input type="checkbox"/> personal	<input checked="" type="checkbox"/> Agent:                      Mr. Irwin Shultz	
	<input checked="" type="checkbox"/> Examiner(s):                Edith Lacasse	
<u>Summary of communication:</u>  Examiner Lacasse → Mr. Irwin Shultz Points discussed: <input checked="" type="checkbox"/> Overlap between claims 1, 2, 14, 15, 32 and 33 and compounds disclosed in D4. <input checked="" type="checkbox"/> Lack of inventive step with regards to D14 and D15. <input checked="" type="checkbox"/> Claims 1 and 40: "ethylphosphonate" should read "diethyl methylphosphonate". <input checked="" type="checkbox"/> Claims 2, 3, 6, 28, 36, 44, 53 and 57: compounds with diethyl methylphosphonate have no antecedent. <input checked="" type="checkbox"/> Claims 2 and 3: expression "as previously defined" causes a lack of clarity. <input checked="" type="checkbox"/> Claims 4, 6, 8, 10 and 12: expression "as defined in claims 2 and 3" should read "as defined in claims 2 or 3". <input checked="" type="checkbox"/> Claim 40: compound of formula 1 is not defined. <input checked="" type="checkbox"/> Claim 75: expression "a compound of as defined" should read "a compound of Formula 1 as defined". <input checked="" type="checkbox"/> Claim 75: expression "{4-(2-ethylhexyloxy)-phenyl}-bis-(4'formylphenyl)" is incomplete. <input checked="" type="checkbox"/> Claim 98: defines composition with only one ingredient. <input checked="" type="checkbox"/> Claims 1 and 2: scope of claims 1 and 2 includes compounds which have no utility in the preparation of the oligomers or polymers. These compounds should be removed. <input checked="" type="checkbox"/> Claims 14 to 23 and 26 to 35: monomers with no utility in the preparation of the oligomers or polymers. <input checked="" type="checkbox"/> Claims 40 and 75: directed to desired result. Result obtained is dependent on the reaction conditions and starting materials. Therefore, it is unclear which oligomers or polymers will be obtained. Furthermore, reaction conditions are not defined in the claims. <input checked="" type="checkbox"/> Page 2: incorporation by reference. <input checked="" type="checkbox"/> Page 37: general statement implies extent of protection may be expanded in some vague and imprecise way. When used to interpret claims renders them unclear. Agent indicated that he will review objections and call the examiner in a few days. Agent called examiner on October 12, 2005. Agent agrees with the formality objections and will send in an amendment. However, the agent disagrees with the objections regarding novelty and inventive step. A formal argument will be submitted with the amendment. With regards to points 14 and 15, Agent confirmed that he wishes to differ response until the national phase. For the sake of clarity, the examiner has agreed to fax a copy of objections to the Agent.  <input type="checkbox"/> An extension of time limit is granted (Form PCT/IPEA/427). <input checked="" type="checkbox"/> A copy of this note is being sent to the applicant with Form PCT/IPEA/429.		
Applicant/Agent <b>BCF LLP</b> <b>1100, Rene-Levesque Blvd. West</b> <b>25th Floor</b> <b>MONTREAL, Quebec</b> <b>Canada, H3B 5C9</b>		Authorized officer of IPEA/CA  <b>Edith Lacasse (819) 934-2325</b>